



**CITY OF MORGAN HILL
MORGAN HILL REDEVELOPMENT AGENCY**

COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Hedy L. Chang, Mayor Pro Tempore
Cynthia J. Cook, Council Member
Steve Tate, Council Member
Greg Sellers, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chairperson
Cynthia J. Cook, Vice-Chairperson
Hedy L. Chang, Agency Member
Steve Tate, Agency Member
Greg Sellers, Agency Member

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL & REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

WEDNESDAY, MAY 5, 1999

5:00 PM

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

City Council action

OPPORTUNITY FOR PUBLIC COMMENT

City of Morgan Hill
Joint Meeting
City Council Regular Meeting &
Redevelopment Agency Special Meeting
May 5, 1999
Page 2

CLOSED SESSION:

SUBJECT: CLOSED SESSION MEMORANDUM: LITIGATION STATUS UPDATE

This memorandum is exempt from disclosure pursuant to Government Code Section 54956.9(a) in order to discuss two existing litigation matters

Case #1:

Title of Case: Morgan Hill Unified School District v. Minter & Fahy Construction Company; Cross-Complaints
Case Number: Santa Clara County Superior Court Case No. CV 772368
Parties: Morgan Hill Unified School District, Minter-Fahy Construction, Ameron International, Corporation Yard Commission, City of Morgan Hill
Subject of Litigation: Contribution for Contamination Cleanup Costs

Case #2:

Title of Case: Ruge Family Partnership, et al. v. City of Morgan Hill, et al.
and Citizens for Orderly Responsible Development (Intervenor)
Case Number: H017567
Parties: Ruge Family Partnership, William R. Ruge & Marion L. Ruge, City of Morgan Hill, City Council of Morgan Hill Citizens for Orderly Responsible Development
Subject of Litigation: Motion to Enforce Judgment

CLOSED SESSION ANNOUNCEMENT:

7:00 P.M.

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Municipal Clerk's Week

National Public Works' Week

Older American's Month

CITY COUNCIL REPORT

Council Member Sellers

CITY MANAGER'S REPORT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA.

(See notice attached to the end of this agenda.)

City Council action

	Page
1. <u>APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION</u>	1
<u>Recommended Action:</u> 1) <u>Interview</u> applicants for the Parks and Recreation Commission, 2) <u>select</u> three (3) candidates to serve on the Parks and Recreation Commission pursuant to the approved procedure and 3) <u>appoint</u> three (3) members to serve terms each expiring May 1, 2001.	25
2. <u>APPOINTMENT TO SOUTH COUNTY REGIONAL WASTEWATER AUTHORITY</u>	
<u>Recommended Action:</u> Appointment of Alternate to SCRWA.	

Redevelopment Agency action

CONSENT:

3. <u>NEW TRAFFIC SIGNAL AT COSMO AVENUE AND MONTEREY ROAD</u>	27
<u>Recommended Action:</u> <u>Authorize</u> staff to proceed with the design and construction of the new traffic signal.	

OTHER BUSINESS:

4. <u>UPDATE ON REDEVELOPMENT AGENCY HOUSING PROGRAMS</u>	31
<u>Recommended Action:</u> Informational only.	

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #5 through #14 may be acted upon with one motion, a second and the vote. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

5. <u>VACATION OF A PORTION OF RAILROAD AVENUE</u>	33
<u>Recommended Action:</u> 1) <u>Adopt</u> attached Resolution thereby vacating a public right-of-way adjacent to APN 817-11-007 and -008, at Railroad Avenue near San Pedro Avenue.	
6. <u>DESIGNATION OF APPLICANT'S AGENT RESOLUTION REGARDING FEMA GRANT FOR THE LLAGAS PARK/POND PROJECT</u>	41
<u>Recommended Action:</u> <u>Adopt</u> attached Resolution designating City officials authorized to file grant application paperwork.	
7. <u>ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR PARCEL MAP 701-M-13&14</u>	45
<u>Recommended Action:</u> 1) <u>Adopt</u> the attached Resolution accepting the subdivision improvements in Parcel Map 701-M-13&14, commonly known as Lands of Guthrie and 2) <u>direct</u> the City Clerk to file a Notice of Completion with the County Recorder's office.	

Page

- 8. 51 FINAL MAP ACCEPTANCE FOR COYOTE ESTATES (TRACT 9140)**
Recommended Action: 1) **Approve** the Final Map, Improvement Plans and Subdivision Improvement Agreement, 2) **authorize** the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) **authorize** the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.
- 9. 63 ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 8874**
Recommended Action: 1) **Adopt** the attached Resolution accepting the subdivision improvements for Tract 8874, commonly known as Malaguerra - Coyote Ranch Ph. I, and 2) **direct** the City Clerk to file a Notice of Completion with the County Recorder's office.
- 10 69 URBAN SERVICE AREA HEARING SCHEDULE**
Recommended Action: **Adopt** Resolution setting August as the month for City Council hearing of USA adjustment requests.
- 11 73 REROUTING OF VALLEY TRANSIT AUTHORITY ROUTE 14**
Recommended Action: **Request** that Valley Transit Authority (VTA) modify the route of bus line 14 removing the segment of the route that includes Native Dancer and West Middle Avenue (Woodland Estates).
- 12 79 SINGLE AUDIT REPORT CERTIFICATION AND RESOLUTION OF AUDIT FINDINGS**
Recommended Action: **Accept** and **file** report.
- 13 95 SALE OF SURPLUS COMPUTER EQUIPMENT TO SCHOOL DISTRICT**
Recommended Action: **Sale** of surplus computer equipment to school district.
- 14 101 SETTING OF ANNUAL PUBLIC HEARING FOR FOX HOLLOW-MURPHY SPRINGS LIGHTING AND LANDSCAPING ASSESSMENT DISTRICT**
Recommended Action: **Approve** the attached three Resolutions (in order) setting the annual Public Hearing for Fiscal Year 1999-2000 for the Fox Hollow - Murphy Springs Lighting and Landscaping Assessment District.

SECOND READING OF ORDINANCES: Full Reading Waived By Majority Vote. (Government Code Section 36934) **Action -- Adopt** Ordinance by roll call vote.

- 15 207 SECOND READING AND ADOPTION OF ORDINANCE NO. 1429, NEW SERIES**
 An Ordinance of the City Council of the City of Morgan Hill approving and adopting an amendment to the Community Development Plan for the Ojo de Agua Community Development Project.
- 16 217 SECOND READING AND ADOPTION OF ORDINANCE NO. 1430, NEW SERIES**
 An Ordinance of the City Council of the City of Morgan Hill amending a Development Agreement to provide for an exception to Loss of Building Allocation for Application MP-96-19: Watsonville-Syncon Homes (formerly Old Orchard Builders) (APN 767-23-021).

OTHER BUSINESS:

“DO GRAFFITI - LOSE YOUR LICENSE” CAMPAIGN

17 223

Recommended Action: **Adopt** a Resolution promoting the “Do Graffiti - Lose Your License” Campaign to deter the incidence of graffiti in our community.

ANNUAL ADJUSTMENT TO SOLID WASTE RATES

18 227

Recommended Action: **Approve** the Resolution approving South Valley’s rate adjustment request.

PRELIMINARY COMMITMENT TO DEDICATE A PORTION OF GALVAN PARK FOR THE CONSTRUCTION OF A NEW MACSA/EL TORO COMMUNITY YOUTH CENTER

19 237

Recommended Action: **Adopt** a Resolution which: 1) **Preliminarily commits** to dedicate a portion of Galvan Park to MACSA for a new Community Youth Center, 2) **authorizes** the City Manager and the City Attorney to negotiate and prepare the documents needed to transfer a portion of Galvan Park to MACSA subject to MACSA receiving a Grant from the State for the construction of a full-service, community youth center, 3) **authorizes** the City Manager to do everything necessary to reallocate the \$65,000 in CDBG funds from the expansion of the existing El Toro Youth Center to the construction of a new youth center and 4) **recommends** to the Redevelopment Agency that it demolish the existing El Toro Youth Center and dedicate the property to the MACSA for the new Community Youth Center.

BANKING SERVICES PROPOSALS

20 241

Recommended Action: 1) **Award** banking services contract to Bank of America, 2) **authorize** the City Manager to contract with Bank of America for banking services for three years with an option to renew for three additional years, and 3) **modify** the City’s Investment Policy to allow the Bank of America Pacific Horizon Treasury Fund as a sweep instrument

AUDITING SERVICES PROPOSALS

21 247

Recommended Action: 1) **Approve** the auditing firm of Caporicci & Larson, 2) **authorize** the City Manager to enter into a three-year contract, with an option to renew for two years, with Caporicci & Larson for Auditing Services.

SENIOR ADVISORY COMMITTEE

22 251

Recommended Action: **Reconsider** appointment of Senior Advisory Committee members; Instruct the Parks and Recreation Commission to move forward with the application process and appointment of Senior Advisory Committee members.

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

FUTURE COUNCIL AGENDA ITEMS:

1. Interview and Appointment of Planning Commissioners
2. Interview and Appointment of Morgan Hill Mobile Home Rent Commissioners
3. Approve Cooperative Agreement with Caltrans for Dunne/101 Bridge



CITY OF MORGAN HILL
COUNCIL CHAMBERS
17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA

Following the opening of Council business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if speaker cards are submitted. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disabilities Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.